



21 December 2018

The General Manager
Port Stephens Council

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Objection: DA 2009-852-2 – Seamist Avenue, One Mile Beach – modification of conditions

TRRA Inc. object to the proposed modifications which would allow clearing of areas of endangered ecological communities.

The application admits that:

'The proposal will allow the removal of up to 0.43ha of Swamp Sclerophyll Forest, up to 18 specimens of the Koala Food Tree *Eucalyptys robusta* (Swamp Mahogany), and up to 1 hollow-bearing tree',

that:

'The proposal will result in an incremental reduction of habitat for these species within the local area',

and that:

'the site contain(s) 'Preferred Koala Habitat' within the Swamp Sclerophyll Forest. Considering that the proposal will directly impact upon this area the proposal is inconsistent with the Strategic Planning Guidelines'

In response to this admitted detriment, the proposed mitigation measures are in our view wholly inadequate. Port Stephens in general and this area in particular simply cannot afford to lose significant areas of existing preferred koala habitat, or the few remaining corridors which allow for safer movement of the threatened koala population.

Approval of this modification would be totally inconsistent with Council's declared support for preservation of koalas in Port Stephens, and with Council's own investment in the koala sanctuary/hospital nearby at Treescape. Everyone involved in koala preservation knows that the critical factor in the viability of a natural koala population in Port Stephens is the retention of habitat. No amount



of planting will compensate for short term habitat losses that are not strictly necessary for and allowed by existing approvals or which necessarily follow from future clearance on land already zoned for development.

The existing approval for this land, with its substantial protected areas on the southern areas of the lots, were presumably the result of careful consideration by Council at the time. The applicant has presented no convincing rationale for the modification other than a predictable desire to maximise development potential and remove constraints. These are not factors which should carry any weight in Council's assessment.

The applicant's report argues that:

'Provided the recommendations listed in this report are implemented the proposal is unlikely to have a significant impact on the Koala population such that a viable local population would be placed at risk of extinction'

and that while:

'The proposal will result in a small incremental reduction of marginal habitat for a number of species, however is unlikely to disrupt the life cycle of any addressed threatened species, endangered population or endangered ecological community such that local extinction would occur.'

These arguments can and will be made repeatedly by developers of individual parcels of land throughout Port Stephens. It is Council's responsibility to take into account the *overall cumulative impact* of the many small applications it receives for vegetation clearance – otherwise the threatened flora and fauna of our area, much treasured by locals and a major drawcard for visitor on whom our economy depends, will continue to experience 'death by a thousand cuts'.

We submit that the application does not pass the required test under Section 4.55 (1A) of the EP&A Act 1979, in that the application is of more than '*minimal environmental impact (a)*, and in that '*the development to which the consent as modified relates is NOT substantially the same development as the development for which the consent was originally granted*' (b)

We urge Council to refuse this application.

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